

Appln. No. 09/971,774
Amendment dated July 8, 2003
Reply to Office Action of April 8, 2003

REMARKS

In an Office Action dated April 8, 2003, claims 1-26, all of the claims then pending in the above-identified U.S. patent application, were rejected. In view of the above amendments and the following remarks, Applicants respectfully request reconsideration of this application, and allowance of the presently pending claims.

All of the claims were rejected, either as being anticipated by Jacobi et al. (1997) alone, or Jacobi et al. (1997) combined with one or more other references. These rejections are respectfully traversed.

The Jacobi et al. (1997) reference is a German-language publication with an English-language abstract. Submitted herewith and cited on Form PTO-1449 are various other Jacobi et al. publications with similar disclosure, all in the English language, along with several other prior art publications. The fee set forth in 37 C.F.R. §1.17(p) is enclosed herewith.

The Jacobi et al. references disclose in vivo experiments in animals, according to the following steps:

1. cancer cells are introduced intraperitoneally into each animal through abdominal incisions;
2. pneumoperitoneum is established in each animal utilizing a gas, after introduction of the cancer cells;
3. then a solution containing taurolidine is introduced intraperitoneally;
4. abdominal incisions were closed; and
5. later, the animals were sacrificed, and intraperitoneal tumors were excised.

The Jacobi et al. references summarize by stating that postoperative lavage with taurolidine is routinely performed in all patients undergoing open and laparoscopic resection of malignancies.

In order for prior art to render claims obvious, the prior art must at least suggest the elements of the claims.

In this case, Jacobi et al., either alone or in combination with the other cited references, do not suggest the critical features of the present claims.

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All of the claims of the present application specifically require the following steps:

1. forming a surgical opening in a patient's abdomen;
2. surgically removing a cancerous tumor from the patient's abdomen through the surgical opening;
3. Administering taurolidine, taurultam or a mixture thereof to the patient's abdomen prior to closing of the surgical opening and after surgically removing the cancerous tumor;
4. closing the surgical opening; and
5. additionally administering taurolidine, taurultam or a mixture thereof to the patient after closing the surgical opening.

The Jacobi et al. references do not suggest the series of steps set forth above and required by all of the present claims.

In contrast with the present claims, Jacobi et al. experimentally introduce cancer cells to an animal, then apply taurolidine, and later remove tumors.

With patients, Jacobi et al. merely apply postoperative lavage with taurolidine in patients undergoing open and laparoscopic resection of malignancies.

There is no suggestion in Jacobi et al. of the specific steps of the present claims, wherein the tumor is removed, taurolidine and/or taurultam is administered to the abdomen prior to closing of the surgical opening and after surgical removal of the tumor, and additionally administering taurolidine and/or taurultam to the patient after closing the surgical opening.

None of the other references applied in the Office Action can be combined with Jacobi et al. to suggest the specific sequence of steps required by the present claims.

In view of the above, withdrawal of the rejections based on Jacobi et al. alone, or in combination with the other applied art, is respectfully requested.

Applicants request independent consideration of claims 3, 4 and 10, which further specify additionally administering taurolidine and/or taurultam to the patient prior to forming the surgical opening in the patient's abdomen. No combination of the cited references suggest this embodiment of the invention.

Independent consideration is requested of claim 6, which further specifies passing a

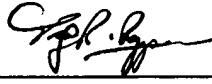
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solution containing taurolidine and/or taurultam through a trocar to so as to contact internal tissue of the patient with the solution. No combination of the cited references suggest this embodiment of the invention.

Applicants submit that the present application is now in condition for allowance.
Reconsideration and favorable action are earnestly requested.

Respectfully submitted,

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